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ATTORNEYS FOR DEFENDANTS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD ROCKIES, Plaintiff, vs. ENVIRONMENTAL PROTECTION AGENCY, Defendant.	Case No. 9:17-cv-00064-DLC UNOPPOSED MOTION TO EXTEND THE STAY
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Defendant, the Environmental Protection Agency (EPA), respectfully moves the Court to extend the expiration of the current stay from January 19, 2018 to February 19, 2018. In support of this motion, EPA states the following:

1. On August 30, 2017, the Court granted a stay in this case to allow EPA to complete its biological assessment for the ongoing remedial actions at the Silver Bow Creek/Butte Area Superfund Site as part of its Section 7 consultation with the U.S. Fish & Wildlife Service (Service) under the Endangered Species Act (ESA).¹ See ECF No. 14.
2. EPA initially anticipated completing its biological assessment in or around December 2017 and has worked diligently toward that goal.
3. Since September 2017, EPA has hired an experienced consulting firm to prepare a biological assessment for the project. This includes a biologist with experience writing biological assessments for a variety of federal actions. EPA has also assigned a Remedial Project Manager to this matter.
4. Additionally, EPA personnel, contractor personnel and Service staff have met on several occasions to exchange information/data and discuss the

¹ Plaintiff has represented that it intends to dismiss its case after EPA finalizes a biological assessment for the project.

- biological assessment. Further, a site visit with Service staff is planned for December.
5. Due to the complexity of the project, time spent collecting and submitting the necessary information/data to and from the Service and other technical personnel, and delays in awarding the contractor's contract, EPA is now estimating a completion date for the biological assessment at the end of January 2018.
 6. In order to ensure sufficient time to produce a robust and thorough biological assessment (which is now well underway and progressing), Defendants request that the Court extend the expiration of the current stay from January 19, 2018 to February 19, 2018.
 7. Plaintiff does not oppose this motion.

DATED this 8th day of December, 2017.

JEFFREY H. WOOD,
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MEREDITH L. FLAX,
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/s/ Rickey D. Turner, Jr.
Trial Attorney
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD ROCKIES, Plaintiff, vs. ENVIRONMENTAL PROTECTION AGENCY, Defendant.	Case No. 9:17-cv-00064-DLC CERTIFICATE OF SERVICE
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I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Rickey D. Turner, Jr.
RICKEY D. TURNER, JR.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD ROCKIES, Plaintiff, vs. ENVIRONMENTAL PROTECTION AGENCY, Defendant.	Case No. 9:17-cv-00064-DLC [PROPOSED] ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION TO EXTEND THE STAY
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After reviewing Defendant's unopposed motion and finding good cause, Defendant's motion is **GRANTED**. The current stay is extended until February 19, 2018 to allow EPA to continue working on the ongoing Section 7 consultation. If Alliance has not voluntarily dismissed this matter, EPA will respond to Alliance's complaint on or before February 19, 2018.

Judge Dana L. Christensen